

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, April 17, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 13, A bill to be entitled "An Act to amend Articles 643 and 644, Chapter 2, Title VIII, of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, providing for the order of a special venire in any district court in a criminal action for a capital offense, so that the said Articles 643 and 644 may hereafter be as follows,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following amendment:

By striking out in the last two lines of the bill the following: "Which motion may be granted or refused in the discretion of the trial court."

STONE, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, April 17, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 13, A bill to be entitled "An Act to amend Articles 643 and 644, Chapter 2, Title VIII, of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, providing for the order of a special venire in any district court in a criminal action for a capital offense, so that the said Articles 643 and 644 may hereafter be as follows,"

Have had the same under consideration, and I report it back to the Senate with the recommendation that it do not pass.

CHAMBERS.

Committee Room,
Austin, Texas, April 18, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 10, A bill to be entitled "An Act to amend Article 975, Chapter 8, Title XXVII, of the Revised Civil Statutes of Texas, concerning judgments of the Supreme Court, and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

SIXTH DAY.

Senate Chamber,

Austin, Texas,

Friday, April 19, 1907.

The Senate met pursuant to adjournment,

Lieutenant Governor Davidson presiding.

Roll call, no quorum present, the following Senators answering to their names:

Alexander.	Holsey.
Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Meachum.
Cunningham.	Skinner.
Green.	Smith.
Griggs.	Stone.
Grinnan.	Willacy.
Harper.	

Absent.

Faust.	Murray.
Glasscock.	Senter.
Greer.	Stokes.
Harbison.	Terrell.
Mayfield.	Watson.

Absent—Excused.

Hudspeth.	Paulus.
Masterson.	Veale.

Senator Griggs moved a call of the Senate for the purpose of securing a quorum, which call was duly seconded, and was so ordered.

The roll was called, the following Senators answering to their names:

Alexander.	Holsey.
Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Meachum.
Cunningham.	Skinner.
Green.	Smith.
Griggs.	Stone.
Grinnan.	Willacy.
Harper.	

Absent.

Faust.	Glasscock.
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Greer.
Harbison.
Mayfield.
Murray.

Senter.
Stokes.
Terrell.
Watson.

Absent—Excused.

Hudspeth.
Masterson.

Paulus.
Veale.

After some delay, Senators Glasscock, Senter, Mayfield and Stokes were announced present, which completed a quorum.

Prayer by the Chaplain of the House, Rev. W. J. Joyce.

Pending the reading of the Journal of yesterday, on motion of Senator Holsey, the same was dispensed with.

(See Appendix for committee reports.)

There being no bills and resolutions, the Chair announced that the morning call was concluded.

SENATE BILL NO. 17.

The Chair laid before the Senate, on second reading,

Senate bill No. 17, A bill to be entitled "An Act to amend Article 745, Title VIII, Chapter 6, Code of Criminal Procedure of the State of Texas, relating to verdicts of juries in misdemeanor cases in the district court."

Senator Chambers moved that the further consideration of the bill be postponed until Monday morning at conclusion of the morning call.

The motion prevailed.

ADJOURNMENT.

On motion of Senator Chambers, the Senate, at 10:15 o'clock, adjourned until Monday morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

(Majority Report.)

Committee Room,

Austin, Texas, April 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 1, A bill to be entitled "An Act to amend Article 1316, Chapter 12, Title XXX, Revised Civil Statutes of the State of Texas, relating to charges and instructions to juries,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass, and be not printed, but that the committee substitute bill attached do pass.

STONE, Chairman.

C. S. for S. B. No. 1.

By Skinner.

A BILL

To Be Entitled

An Act to amend Article 1316, Chapter 12, Title XXX, Revised Civil Statutes of the State of Texas, relating to charges and instructions to juries, with an emergency clause.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1316, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas, be amended so as to hereafter read as follows:

Article 1316. After the argument of a cause, the judge shall in open court deliver a written charge to the jury on the law of the case, unless one of the parties to the suit shall ask that such charge be submitted to the jury before the argument of the facts, in which event the judge shall retire the jury and hear the argument of counsel upon the law of the case, after which he shall have the jury recalled and deliver to them his charge before the argument of the facts to the jury. In case either party shall desire to object to the charge or to the failure of the court to give any written special charge presented, he shall specify in writing his objections thereto to the court before the jury in such cause shall retire to consider of their verdict, otherwise the same shall be considered as waived. Before delivering his charge to the jury, the court shall submit the same to the attorneys trying the cause, and they shall be granted a reasonable time in which to write and present any objections they may desire to urge against the charge of the court. Provided, if the court should decide that any objection presented to the charge is good, it shall be his duty to correct such charge before finally delivering the same to the jury. Provided further, that no judgment shall be reversed upon appeal, unless the error complained of is fundamental, or so material as that it shall appear from the entire record in such cause that substantial injustice has been done thereby.

Sec. 2. The crowded condition of the dockets of the courts, and the near ap-

proach of final adjournment of the Legislature, create an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

(Minority Report.)

Committee Room,
Austin, Texas, April 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: A minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 1, A bill to be entitled "An Act to amend Article 1316, Chapter 12, Title XXX, Revised Civil Statutes of the State of Texas, relating to charges and instructions to juries,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do not pass, but that the following substitute bill do pass:

S. B. No. 1.

By

A BILL

To Be Entitled

An Act to amend Article 1316, Chapter 12, Title XXX, Revised Statutes of the State of Texas, relating to charges and instructions to juries.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1316, Chapter 12, Title XXX, of the Revised Statutes of the State of Texas, be amended so as to hereafter read as follows:

Article 1316. In all civil cases, the court shall read and deliver to the jury on the conclusion of the argument of counsel or on conclusion of the evidence, if no arguments are to be made to the jury, a written charge on the law of the case; unless one of the parties to the suit shall ask that such charge be submitted before the argument on the facts in which event the charge shall be delivered before argument, but before the delivery thereof to the jury, the court shall allow counsel of each party to the suit sufficient time to prepare and present written exceptions thereto, and prepare special instructions covering any omissions or errors therein, which special instructions shall be submitted to opposing counsel for objections, if any, and then delivered to the judge before the main charge is read to the jury, and

thereafter the court may change, alter or modify said main charge so as to eliminate the errors and supply the omissions therein before reading and delivering same to the jury; and errors in the charge of the court, or in special charges, not assigned or pointed out prior to the submission thereof to the jury, or not pointed out in a motion for a new trial, shall be considered and held to have been waived, and shall not constitute grounds for a new trial or reversal, unless such errors are so material or fundamental as that from the entire record in the case it should appear that probably a different verdict or judgment might have been rendered but for such errors.

HARPER,
STONE,
MEACHUM,
GRINNAN.

(Floor Report.)

Committee Room,
Austin, Texas, April 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

Senate bill No. 25, A bill to be entitled "An Act to amend Articles 5098, 5100, 5120 and 5124 of Chapter 3, Title CIV, of the Revised Civil Statutes of 1895, relating to taxation, fixing penalties, and declaring an emergency,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass, and that the bill be not printed.

Stone, Chairman; Chambers, Griggs, Harper, Green, Grinnan, Brachfield, Meachum.

Committee Room,
Austin, Texas, April 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 30, A bill to be entitled "An Act providing for the appointment of official stenographers for district courts by the judges thereof in all districts, to report cases, and make the report of such stenographers, when filed, the statement of facts of all evidence, both oral and written, introduced in the trial of cases; to provide for the compensation of such stenographers, declaring an emergency, and repealing Chapter 60, page 84, Acts of the Twenty-eighth Regular Session of the Legislature, also

Chapter 112, page 219, Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,
Austin, Texas, April 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 24, A bill to be entitled "An Act to compel telephone and telegraph companies to make connections with other telephone and telegraph lines doing a like business,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,
Austin, Texas, April 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 18, A bill to be entitled "An Act to authorize the district courts to employ a stenographer, to provide compensation therefor and to repeal Chapter 112, page 209, General Laws of the Twenty-ninth Legislature, passed at its Regular Session, and with an emergency clause,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

SEVENTH DAY.

Senate Chamber,
Austin, Texas,
Monday, April 22, 1907.

Senate met pursuant to adjournment. Lieutenant Governor Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

Alexander.	Green.
Barrett.	Greer.
Brachfield.	Grinnan.
Chambers.	Harbison.
Cunningham.	Harper.
Glasscock.	Holsey.

Hudspeth.	Senter.
Kellie.	Skinner.
Looney.	Smith.
Mayfield.	Stokes.
Meachum.	Stone.
Murray.	Terrell.
Paulus.	Willacy.

Absent.

Faust.	Veale.
Griggs.	Watson.
Masterson.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Stone, the same was dispensed with.

(See Appendix for committee reports.)

OATH OF OFFICE ADMINISTERED.

The Chair here administered the oath of office to Assistant Sergeant-at-Arms D. F. Hughes, who had been previously elected, and who was absent at the time the oath was given the other officers.

EXCUSED.

On motion of Senator Mayfield, Senator Griggs was excused from attendance upon the Senate for today, tomorrow, Wednesday and Thursday on account of important business.

On motion of Senator Hudspeth, Senator Terrell was excused from attendance upon the Senate for all of last week on account of important business.

BILLS AND RESOLUTIONS.

By Senator Senter:

Senate bill No. 32, A bill to be entitled "An Act to authorize appeals from final judgments of the district and county courts solely upon questions of law, and to provide for the procedure therein."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 33, A bill to be entitled "An Act to provide for the appointment of a court referee in certain counties of the State; to prescribe his duties and authority; to provide for the reference of causes pending in court to him, and for the taking by him of the depositions of witnesses in pending cases; to prescribe the fees to be charged for such services by the referee and the salary to be paid him, and declaring an emergency."